MADERO MINIMIZES UPRISING OF DIAZ

Denies He'll Resign and Will Throw All His Power Against Ex-President's Nephew.

THE SITUATION CRITICAL

Resignation of Cabinet Demanded-Diaz Gaining and May Try to Capture Tampico.

Mexico City, Oct. 17 .- President Madero minimized the importance of the rebel movement under Felix Diaz in the course of an interview to-day. He also reiterwould not resign.

Undoubtedly the news of the uprising under Felix Diaz has caused great alarm," he said, "but it should not be given more importance than it has, which, in my judgment, is not great. "The discontented will take occasion

again to call for my resignation from my post, but as I have declared on other ecasions, the legality of the government is undeniable. Therefore, I shall never resign before my term expires. Only death can remove me from the Presidency before that time.

President Madero's administration appears to have reached a critical point, however. The resignation of the Cabinet was demanded in the Chamber of Depurefused to permit discussion, and the mo-

and will reinforce General Beltran in the the State of Morelos formally protested to the central government against the weakbands operating there.

mined to throw all its power against Diaz. even if it should become necessary to ignore for the presnt its war with the Zapatistas, the factions under other revoluindependently

strength in the coast country, and it is believed will make an effort to occupy the port of Tampico, although early advices not indicate a formal movement toward Diaz Wants Peace for All.

Peace for all is what Felix Diaz promises in a proclamation issued last night and copies of which have reached the capital.

President Madero and his family are bitterly assailed in the document. The President is accused of being a murderous tyrant, whom Diaz calls on all, especially the army, to assist him in overthrowing.

restored to the country, elections will be honestly conducted. In the mean time the provisional government will, he says, be carried on by honest and capable men, regardless of political affiliations.

At a meeting of the Vera Cruz Chamber of Commerce Felix Diaz uttered the assurance that no forced loans would be

sent from this city last night has been recalled and confined to quarters. The government insists that Commodore Azueta is still able to control the gunboats, and has given him orders to bombard Vera Cruz.

Jalapa and Cordoba are reported to army. Although no confirmation of this has been received, there is reason to regard the report as true. General Aguilar with his followers is said to be in occupation of Jalapa, and another detachment of rebels to be marching on Cordoba. The Governor of the State of Vera Cruz is reported to have been arrested at Ja-Another report says Matamoras and Tamaulipas have been taken by General Manuel Mendiziabal.

and Colonel Diaz Ordaz at their head. left Vera Cruz early to-day, following the line of the Mexican Railway, to meet the government troops from Mariano and Azcarraga.

The collector of customs at Vera Crus turned over nearly half a million in gold to the rebels and closed the customs house. Shipping business is, therefore, at a standstill.

New Uprisings Reported.

Reports have reached here also of new uprisings in various parts of the republic, including the city of Pachuca, only fiftyfive miles from the capital. Besides this, the loyalty of the army is questioned.

Doubts as to the specific object of the proclaimed provisional president by Colenel Jose Diaz Ordaz, his cousin and commander of the 21st Infantry, stationed at

So far advanced are the plans of Diaz and his supporters that they are said to have already selected a provisional Cabinet. Among those composing it is General Bernardo Reyes, who is now in the military prison of the capital as the result of the failure of an attempted rebellion a year ago. He has been named Minister for War. Francisco de la Barra, ex-provisional President, has been slated for the portfolio of Foreign Affairs, while Alberto Garcia Granados, who was Minister of the Interior under de la Barra, is mentioned for the same portfolio. The Department of Communications, accord-

ing to the rebel plan, is to go to Alberto Robles Gil, now Governor of Jalisco, who, it is said, may formally throw his state into rebellion as the result of a sharp received indicate that the Diaz revolution quarrel with President Madero, who recently demanded his resignation. Commodore Azueta appears to be the possible battle in the event that the fedonly government officer at Vera Cruz erals attempt to recapture the city, the holding out against Diaz. His fleet, including the gunboats Bravo and Morelos, for the cruzer Des Moines, which is due the only formidable vessels in the Gulf, is to arrive at Progreso, Yucatan, to-night, now tied up at the piers. On each of to return immediately to Vera Cruz to them will be two guns of heavy calibre, protect American lives and property.

but from each were taken yesterday the four quick firers they carried, which have been added to the battery captured by the discretion in safeguarding Americans in It is expected that the Bravo and the

Morelos will be sent to Tampico to assist

in taking that port for the rebels. Commodore Azueta made efforts to induce the captains and crews of the boats to remain loyal, but, failing in that, he of Campeachy, went to the island of Uluoa, which is close to the shore and is used as a mili- man kidnapped by Mexican rebels and tary prison, and there he defied Diaz to held for ransom, was released yesterday come and take him. He has since sent on payment of \$1,250 to his captors.

word that his classmate, Diaz, would not fight him, and Dias, reciprocating, left im in charge of the fort

Monterey, Mexico, Oct. 17.—According to reports from a trustworthy source, the Mexican gunboats Bravo and Morelos, seized by General Felix Diaz at Vera Cruz, sailed to-day for Tampico, with the avowed intention of taking that port. Tampico has a large American colony. Tampico has a large American colony, General Trevino, commander of this mili-tary zone, has expressed confidence as to the loyalty of the federal troops at Tam-pico. Stubborn resistance is expected in pico. Stubborn resistance is expected in the event of an attack by the Diaz forces.

HOW DIAZ TOOK VERA CRUZ

Ernesto Madero Tells of General's Entry Into City.

[By Cable to The Tribune. Mexico City, Oct. 17.-Ernesto Mafero, the Foreign Minister, gave to The Tribune correspondent to-day his views of the uprising of General Felix Diaz.

"Diaz arose against the government into the city with 110 cavalry, seventy infantry, forty rurales and 140 volunteers. The 21st Battalion, commanded by his cousin, joined him after ated his oft repeated declaration that he all the officers, excepting the colonel, his cousin, had refused to turn traitors and were arrested. The rebels went to the house of General Hernandez, head of the garrison, and when he refused to join in the uprising they arrested him.

The 19th Battalion surrendered to the rebels, but the government was informed it refused to take part in the uprising. Captain Carvallo, commander of the gunboat Bravo, who had conspired with Diaz, attempted to lead 800 men, comprising the crews of the six gunboats in the harbor, to pronounce for Diaz.

"Commodore Azueta deposed Carvallo and assumed a hostile attitude against heno, but the president of the chamber the rebels, immediately defying their government by his action and asking for orders. Diaz, with fewer than one A trainload of troops from the State thousand men, has possession of Vera of Morelos reached the capital last night Cruz.

campaign against Diaz. The day before he is menaced by the guns of the warthe fall of Vera Cruz the Legislature of ships and the garrison of the fortress of San Juan de Ulloa. On the land side ness of the federal forces in that state he will be attacked at once by four requested reinforcements, in view of thousand men, provided with a great the increase in the number of Zapatista quantity of artillery, who are converging on the city, in command of General The government, however, has deter- Beltran. The artillery is in charge of Colonel Navarrete, who did splendid work in Chihuahua against Orozco. "The government regards the situa-

tionary leaders and the roving bands of tion as unpleasant, but not alarming rebels who are operating in many regions nor serious. Diaz has no important following and little money. He and his General Diaz is said to be gaining fellow conspirators will be captured promptly, tried and executed. There is no truth in the reports that Yucatan and the cities of Pachuca and Orizaba have pronounced against the govern-

Private dispatches from Vera Cruz say that the Diaz uprising has evoked little enthusiasm in Vera Cruz, and that little confidence is entertained there that Diaz will succeed. Diaz is believed to be counting on the aid of the army, but the extent of his popularity with the army is problematical. Probably it has been overestimated. He never rendered any service in the ranks. As between Dinz and General Reyes, the latter was tary element. When Reyes rebelled last winter not an army man followed him.

It is difficult to see in the face of this how Diaz can expect to gain any The rebel forces have been disposed at considerable support from the army. strategic points, and one detachment has Diaz's power and influence came to seen sent west to cut the railways, so as him through his uncle, the former to prevent the approach of military trains President. For many years he was April, 1812, in the name of Charles Beckfrom the capital.

Chief of police of the federal district. er?" asked Mr. Moss. President Diaz was forced out didate. In opposition to him was testimony was argued.

Benito Juarez, a son of the President of Mexico during the French intervention, who also was a native of Oaxaca.
Diaz was greatly disappointed that is candidacy did not arouse more than passing degree of enthusiasm among the voters of Oaxaca. He retired from the canvass, and then Juarez was elected. Approaching fifty years of age, Diaz is credited with possessing energy The rebellious troops, with Felix Diaz and intelligence above the average. Among the Americans of this city he is well known and liked. His name and family connections can hardly be ex-pected to popularize him with the oppenents of the administraton,

FEAR MADERO IS IN PERIL

Washington Officials Doubtful of Issue-Des Moines Sent. (From The Tribune Hureau.)

Washington, Oct. 17 .- The Madero govrnment in Mexico is now seriously menaced and is in grave danger, in the opinion of officials in Washington who are competent to judge of the significance Diaz revolt were removed when he was of the revolt under the leadership of Felix Diaz, nephew of the former President. The younger Diaz is admitted to have

many friends both in the federal army and among the rebels now in the field. It is realized that there is a possibility, if not a probability, that the various factions or elements now opposing the Madero administration may units under his leadership. Should this come to pass, it is believed here, the Madero government would probably be overthrown.

Dispatches to the Department of State from Mexico confirm the reports of the uprising in Vera Cruz and add that there is much sympathy for Diaz in Mexico City. Practically all news of the latest revolt has come from Mexico City, it being reported that the federal lines are refusing messages, alleging that communication with Vers Cruz has been interrupted by a severe cyclone. The messages is growing rapidly.

Expecting trouble at Vera Cruz and a Navy Department to-day issued an order Commander Hughes of the Des Moine

will have full power to exercise his own the beleaguered city, and without further instructions can land a party if conditions warrant. The cruiser has 279 bluejackets aboard, but carries no marines. She will return with all speed to Vera Cruz, about 450 miles to the southwest across the Bay

John T. Cameron, the El Paso cattle

BECKER MAY NOT

Continued from first page.

were recalled as witnesses yesterday to clear up some points in their testimony have heard Becker call Rose up in and allow the defence to cross-examine regard to the affidavit which he asked them further, as Mr. McIntyre said he Rose to make relative to the \$1,500 when three loud raps announced the ardesired to do when Justice Goff dis- which Rosenthal said Becker loaned charged them from the stand. The de- him. The testimony is expected to fence, however, did not improve the op- contradict Rose's testimony about the portunity

Mrs. Lillian Rosenberg, the wife of of the affidavit. the Rosenberg home, at No. 747 South- to London to find Thomas Coupe, a husband and the other three gunmen.

trict Attorney, was again in attend- was formerly employed at the Elks' ance at the trial yesterday under sub- Club and went to England in fear of poena as a witness for the defence. the police, will probably be called in re-When asked what the nature of his buttal.

testimony would be Mr. Jerome declined to discuss it, saying he would rather be in the position to say truthfully that he had not discussed the matter with any one except counsel in

The former District Attorney is expected to testify to a telephone communication that Becker had with Rose when the latter was at the home of Harry Pollok. Mr. Jerome is said to circumstances leading to the making

"Lefty" Louie Rosenberg, one of the District Attorney Whitman received gunmen charged with the murder, was a wireless message via Halifax yestera witness. She testified as to the visits day from William A. De Ford, the Asearly yesterday," he said, "marching of Rose, Weber and "Sam" Schepps to sistant District Attorney whom he sent

ern Boulevard, where they met her witness in the Becker case. Mr. De Ford and Coupe are on the Mauretania William Travers Jerome, former Dis- and should arrive to-day. Coupe, who

COURT RULES OUT EVIDENCE OF LARGE BANK ACCOUNTS

that the chattel mortgage for \$1,500, which Rose swore Becker lent to Rosenthal on he furnishings of his gambling house, at o. 104 West 45th street, through John J. Donohue as a dummy, and afterward displace, had been duly filed and later satisled in the Register's Office. William Haupt, chief clerk of the Register's Oftestified the mortgage in question was filed on March 7, and that a satisfaction piece discharging the mortgage was lled on May 7. Becker's raid on enthal's gambling house was on April 15. Mr. Moss took the witness stand himself for a few minutes to corroborate the testiony of the waiter, Krause, who identified Weber and "Jack" Sullivan at the Coroner's hearing as two of the men he had seen at the scene of the shooting. Mr. Moss said he saw Krause point out Weber and Sullivan at the Coroner's hearing.

The prosecution recalled "Sam" Schepp and withdrew objections to certain questions which Mr. McIntyre previously asked the witness in regard to conversations he had with persons in Hot Springs. Mr. Hart was allowed to recross-examine schepps in that respect. Schepps denied he had said to acting Mayor Pettit of Hot best friend he had on earth, and that he would do anything to help him out of his trouble. He denied he had said Rosenthal was a been shot long ago. He admitted he had told the postmaster at Hot Springs that | he had come there because he did not think New York was a safe place for

Schepps appeared to welcome the opporto confer with the court in regard to several questions which Mr. Hart asked him, but Justice Goff waved him aside and instructed him to answer the ques-

Daniel A. Bentier, bookkeeper at the Franklin Savings Bank, at No. 658 Eighth avenue, was the next witness called.

"Was there an account in your bank in

Mr. McIntyre was on his feet quickly by Madero Felix Diaz went down with with an objection. Mr. Moss explained to the wreck. He resigned his office, the court that he wished to introduce evi-Since then he has held no command in Becker in various banks to show a mo-indulge in a little rest, and at the same the army and has been devoting himself to his personal affairs. He aspired | be heard on the law relative to such evito the governorship of the State of denc, and the jury was excused from the have fallen into the power of the Diaz Oaxaca and announced himself a can-courtroom while the competency of the

"A large sum of money was accumulated and deposited in various banks," whose salary did not warrant any such amounts to his credit. Some of the acwas earning the salary of a school teacher, but her remuneration did not warrant time to-day-19:30 a. m. time of the defendant's arrest."

Mr. McIntyre launched upon a evidence. He said, in part:

nect the defendant with the crime with witness stand. which he is charged under the indictment. It may be used, perhaps, for creating a by the defence are: suspicion in the minds of the jurors that bery or oppression. He is simply here on here to defend him-that is all.

At the opening of the afternoon session money come from Rosenthal? Could it Moss introduced evidence to show not have come from other gamblers? If it did not come from Rosenthal, how could it furnish a motive for killing Rosenthal. The people must show beyond a reasonable doubt that the money did come from Rosenthal or that he knew charged following the raid on Rosenthal's the money was in the banks. If the people could show a specific instance where the money came from Rosenthal it might

> be a different matter." Mr. McIntyre argued further that case against his client was not one of circumstantial evidence; that there were the direct statements of Rose, Weber and Vallon that Becker gave the order to kill, and that they did what he bade them do; consequently there was no need to show motive. Such evidence was not admissible under the law unless the case was one nurely of circumstantial evidence, he said. He cited court decisions to support that contention.

t mean?" asked Mr. McIntyre. "It will mean that the twelve men in the jury box will believe that this defendant is a 'grafter,' which would obscure the real ssue in the case and deprive the defendant of a fair and impartial trial." After reviewing the points of law made

by counsel for the defence and stating Springs and others that Rose was the that they were well taken Justice Goff sustained the objection

Mr. Moss then called "Bald Jack" Rose to the witness stand. The Assistant Dissquealer and should have trict Attorney attempted to get upon the record a detailed account of the witness's "business relations" with Becker, but the court sustained the objection of the defence to any testimony which tended to show graft. Mr. Moss offered to allow Mr. McIntyre to cross-examine Rose furtunity of appearing in public again, and ther, in view of the statement of counsel seemed disappointed that he could not for the defence when Rose was previously hold the centre of the stage longer. He excused from the witness stand that he bowed to Justice Goff effusively when he still desired to question him further. Mr. went on the witness stand. He attempted McIntyre said he had been taken by surprise by the offer of the prosecution and could not reconcentrate his mind upon the

questions he had desired to ask Saturday when Rose was excused. He asked permission of the court to read over the last part of the cross-examination of Rose, but Justice Goff denied the request and excused Rose.

The people rested their case at this Mr. McIntyre made the usual motions for the dismissal of the indictment against Becker, on the ground that the against Becker, on the ground that the Justice Goff denied the motions. Counsel for the defence asked for an adjournment time get the witnesses for the defence together.

Mr. McIntyre submitted an affidavit the court from his physicians that he needed a rest and was in bad condition physically, as a result of the protracted sessions of the court. The affidavit resaid Mr. Moss, "by a police officer lated that he had not slept for two nights and that his physicians did not deem it advisable to administer sedatives to make counts were in his wife's name and some him sleep, as they feared the effect it of them were joint accounts. Mrs. Becker might have on his heart. Justice Goff consented to adjourn court to the usual

the large amounts on deposit. These Mr. McIntyre also submitted an affidavit sums continued to pile up until about the relating that he had discovered new evidence in respect to the witness Morris Luban, who gave damaging evidence argument against the admission of the against Becker in regard to conversations he had overheard between the police of-"There is no evidence in this case to ficer and "Jack" Rose. Luban was also show that Rosenthal had any knowledge, an eyewitness to the shooting. Mr. Mchours before.

Q.—Did you see him often after that?

A.—Yes, sir; many times.

Q.—What happened on April 18? A.—The raid on Rosenthal's house. First I saw Becker at his office. There was present Steinert, White and Shepherd. The arrangement was that Becker told me how the carpets looked, and all about the fixtures of the house se that I could swear out an affidavit if he wanted me to.

Q.—Had you been in Rosenthal's house prior to this? A.—No, sir.

Q.—What else did Becker say at Police Headquarters? A.—He said to Steinert and White —

Q.—They and Shepherd were market. directly or indirectly, that Becker had any Intyre asked to be allowed to cross-exaccounts in the banks. The fact that amine Luban further. The justice denied there are bank accounts in the name of the request. Becker's lawyer said afterthe defendant or his wife, or jointly, is ward he had learned that Luban had told not such evidence as can in any way con- his wife he had perjured himself on the

Some of the early witnesses to be called

Charles Reich, brother of "Jack" Sulli-Becker had been 'grafting.' We are not van; "Sam" Boston, a gambler; "Itchky," here to answer to that charge. If the a man who has been referred to several District Attorney sees fit to charge us times by that name at the trial, but whose Hendquarters? A.—He said to Steinert and White ——Q.—They and Shepherd were members of his "strong arm" squad? A.—Yes Q.—Continue. A.—Becker said to Steinert and White "You are to go to the house and you will go in by the basement. You will find three Iron doors. You will see a roulette wheel downstrals. That will not be in play. Upstairs you will find one playing, and two fare banks." To me he said: "You can get the warrants"—against a young man whose name I don't remember, a steerer and a doorman. He told me to go along and see the raid.

Q.—What did you see? A.—I saw Mrs. Rosenthal and Becker talking. She said: "Why. Charley, what are you doing," Becker raised his hand like this (the witness indicated by a gesture urging stience) and he said: "Ssh" Then they went back in a room and talked together.

Q.—Did you hear what was said? A. with another crime we will answer to identity has not been discovered; "Louie" that at the proper time. Suffice to say Green, a gambler; a man by the name of that he is not indicted for extortion, bri-Gottlieb, "Bob" Smith, a gambler; "Bob" Smith, a gambler; "Jimmie" Kelly, who is said to run a café the charge of murder, for which I am in Chinatown; "Sam" Paul, "Jimmie" James, who succeeded Rose as Rosenthal's "The introduction of such testimony by partner in the latter's gambling house; the District Attorney can have but one Charles Steinert, a former member of object and one purpose, not to establish Becker's "strong arm" squad, who is at that Becker was guilty of murder, but present in the Tombs charged with perjury that he took money unlawfully from per- in the alleged "frame-up" of "Big Jack" sons with whom he came in contact dur-ing the pursuit of his work. Did the known as Becker's press agent.

PEOPLE GET CORROBORATION OF CASE AGAINST BECKER

these three points, scored by the prosecution, stood out most prominently: Corroboration of "Bald Jack" Rose's story that he telephoned to Becker short-

ly after the murder to tell him that Rosenthal was dead. Corroboration of Mrs. Rosenthal's story low tones for a long time with her when the "strong arm" squad raided her hus-

Corroboration of Rose's story that the raid on Rosenthal's place was on manu-factured evidence, a charge made by Rosenthal before he was slain. Becker Shows Strain.

Lieutenant Becker was perspiring when

the morning session was brought to a

band's gambling house.

One of the mass of cumulative testi- | plainly that his iron nerve was gone, and mony adduced at the morning session though he tried hard to maintain an appearance of confidence the effort was palpable and resulted only in making manifest the nervous strain under which he has been laboring since his arrest. Evidently he suffered a sleepless night

in his cell, for he looked worn, tired and sleepy when he entered the courtroom a that Becker drew her aside and talked in little after 10 o'clock. His face was haggard and drawn, and his fingernalis showed that he had lost interest in his personal appearance. He was plainly nervous, and kept shifting his eyes around the room when not whispering with John W. Hart, his counsel of record. Once, before the jury entered and Jus-

tice Goff ascended the bench, Becker let his eyes wander to the big mural decoration on the east wall of the court. close, and during the forenoon he showed. He glanced for a moment at the figures

then to the middle panel, showing a heroic figure of Justice, scales in hand, and the Stars and Stripes draping one shoulder.

Only a second he looked at this, and his eyes then fixed themselves upon the third panel, The Fates. He stared, as if entranced, at the grinning skull at the feet of the oldest of the sisters, who grimly cuts the thread of life that the artist showed falling against the skull.

For some time Becker glued his eyes or the skull, till, with a shudder, he rose with the rest of those in the courtroom The first two witnesses were telephone

operators-one, John Carney, the switchboard operator in the Times Building, who testified to calling up the apartment house in which Becker lived, shortly after the murder, and the other, Lucius Haywood, the operator in the Belleclaire, who swore that he received the call and connected the caller (Rose) with the Becker apartment.

Carney, who lives at No. 28 street, Jersey City, gave his testimony over the repeated protests of Mr. McIntyre. But Assistant District Attorney Moss succeeded in putting on the record all that Carney knew.

Tells of Call for Becker.

Mr. Moss first showed him the official sheets of the telephone company, made out by him on the morning of July 16, as the witness had no independent recollection of the event. In answer to Mr. Moss he said he made a certain connection for some one who called at the Times Building pay station at 2:57 a. m. on the day in question.

"What connection did you make at 2:57?" asked Mr. Moss.

"Audubon 6694," replied Carney. "Did you discontinue that connection

"Yes, at 3 o'clock." The cross-examination was profitless, and after Carney was excused Haywood, a bright negro, was called. Interrogated by Mr. Moss, he said he was employed in the Belleclaire apartments when Rosenthal was murdered. His examination con-

Q.—Did Becker live there? A.—Yes, sir. Q.—What was its telephone number? A.—Audubon 6694. Adduction essa.

L-Was there a telephone call for cker on July 16? A.—Yes, sir.

--What time was it? A.—I don't

Q.-With respect to midnight, what time was it? A.-I can't say, sir. Q.-Was it daylight or was it yet dark? A.—Dark, sir.

Q.—What did you do when you got the call? A.—I connected with Mr. Becker's apartment.
Q.—What did Becker do after that? A.—

Did you see him after that? A .-

Mr. Hart cross-examined at the start and tried to discredit the witness by showing it was impossible for him to renember any particular call, but Haywood said something happened, referring to the murder, that fixed the call in his mind, but Mr. Hart would not permit him to say what it was that so impressed the call on his mind, and proceeded with the cross-examination as follows:

Q.—Did you get three calls for Mrs.

Becker on Sunday? A.—I don't remember.
Q.—Will you swear you didn't? A.—I
will not swear because I don't remember.
Q.—What calls did you receive Tuesday
night? A.—I don't remember.
Q.—So that you can only tell us about
that one call A.—Well, I remember
dates better than days.
Q.—Well, what were you doing July 15?
A.—I reckon I was sleeping.

....I reckon I was sleeping. This answer created a great deal of laughter, in which the witness joined, and he added, when order was restored: "I see what you mean now. No, I don't

know what I was doing." Mr. McIntyre asked the witness where he was working now. He said he was chauffeur for a business man in Princeton, having been employed there for about month.

"Did you make your statement about | were lined up.

tyre who brought out this side of Mar-

golis, but the prosecution on the redirect

turned it to excellent account by show-

ing that the perjury was done on the

order of Becker, and his first perfury

along this line was in swearing to a false

affidavit on which Rosenthal's gambling

house was raided. Becker, he swore, gave

him the description of the interior of Ros-

enthal's house, so that he could incorpo-

After telling Mr. Moss that he had

known Becker five months, Mr. Moss asked

Did you meet him on April 18? A .-

-Where? A.-No. 104 West 45th street. -Where else did you see him? A.-m No. 105, Police Headquarters, a few

-Did you hear what was said? A.-

Mr. McIntyre's cross-examination show-

ed the lawyer in his most belligerent

noney? A.—It is not true! I never did: Q.—Did you make any bets in a gam-ling house at No. 268 West 37th street?

Q-You lied? A.-Yes.
Q-You committed perjury? A.-Yes.
Q-You didn't appear against them in
Special Sessions? A.-No.
Q-Didn't the defendant pay you money

Never mind. But you swore you did?

rate it in the false affidavit.

of Liberty, Fraternity and Equality and the telephone call to the District Attorney before or after you got your new job?" asked Mr. MoIntyre.

"After," replied Haywood. On the redirect Mr. Moss asked the witness if the District Attorney had helped him in obtaining his new place. The wit-

ness said he had not, This ended Haywood's testimony, and Lillian Rosenberg, the wife of "Lefty" Louie, was called to the stand. She was dressed in a black silk gown trimmed with a wide fringe of lace at the throat, which was bare, and a big black picture hat set off her fluffy blond hair, pink cheeks and red lips to the greatest advantage. Mr. Moss at once took her in

Q.-You lived at No. 747 Southern Boule-

Q.—You lived there with your husband?
Q.—You lived there with your husband?
A.—Yes,
Q.—Did you ever meet him at No. 2529
Seventh avenue? A.—Yes, sfr.
Q.—Were you and your husband at Far
Rockaway on July 14, a Sunday?
Ves. sfr.
Ves. sfr.

Yes, sir. Q.—Whom did you meet there? A.—Mr. Horowitz and his wife. Q.—That is the gentleman who is sometimes called "Gyp" the Blood? A.—Yes,

"Gyp."
Q.—Did you meet Frank Cirofici there?
A.—Yes, sir.
Q.—He is sometimes called "Dago"
Frank? A.—Yes, sir.
Q.—Meet Frank Mueller there? A.—Yes,

Q.—He is known as "Whitey" Lewis? A.—Yes, sir.

Mr. Moss tried to introduce a photograph showing the four gunmen and the wives of "Gyp" and "Leftie," taken on acies ranging from \$5,000 to \$1,000 to his the Sunday before the murder, but it was servants, and those in his employ for two ruled out on Mr. McIntyre's objections.

No Promises from Whitman.

brought out that she had been seen by to establish a bed in memory of Josephine Mr. Moss at the House of Detention, Penfold; Presbyterian Hospital, \$10,000 for where she is still held in default of \$2,500 bail. Mr. McIntyre then asked:

Q.-Your husband is indicted for murder? A.—Yes.
Q.—Did Mr. Moss give you any assurance that your husband would be dealt with lightly if you testified for the people? A.—No. sir.

ole? A.—No. str. Q.—Did you write your husband since the Penfold cottage. Q.—Did you write your husband since the Penfold cottage. The \$300,000 life true was arrested for murder? A.—Yes, twice.

Q.-Did you write in one of the letters that if you testified for the people you might help your husband in his predica-

might help your husband in his predica-ment? A.—No, sir. Q.—Do you know Rose or Schepps? A.— Tes, sir. es, sir. Q.-Do you know Weber or Vallon?

A.—No. sir.

Q.—Where did you see "Jack" Rose and Schepps? A.—I saw "Jack" Rose and "Sammy" Schepps at my house. My husband was sick in bed at the time with a cut foot. I said to him: "Who are them fellows?" He said: "They are 'Sammy' Schepps and 'Jack' Rose. They are trying to get ball for 'Jack' Zelig."

Q.—What was your husband? A.—Travelling salesman. Q.—What was your husband? A.—Travelling salesman.
Q.—What house did he travel for? A.—I have no idea.
Q.—What other name was he known by? A.—I knew him as Mr. Rosenbers.
Q.—Any other name? A.—I don't know.
Q.—Where was he on the night of July 15? A.—I don't know.
Q.—Where were you? A.—At my mother's.
Q.—Do you know if he was at the scene

Q.—Do you know if he was at the scene of the murder? A.—No.

In answer to Mr. McIntyre she testified institutions named. it was about May 12 that she met Rose and Schepps at her home. This was obviously an error, as the cut in the foot, as she referred to the gunshot wound in "Lefty" Louie's right instep, was inflicted by one of the Sirocco gang when "Jack" Zelig and several of his gang descended upon Sirocco's Chinatown dive on the night of June 1.

She testified that Schepps, Rose and her nusband conversed for about twenty minutes. She was not permitted to repeat the conversation.

William Reilly, agent for the house at No. 2529 Seventh avenue, where "Dego" Frank and "Whitey" Lewis lived up to the day of the murder, was the next witness. He testified that "Dago" Frank hired the room from him under the name of Gordon. He picked out "Dago" Frank and "Whitey" when the four gunmen and Shapiro, the chauffeur of the murder car,

Mr. McIntyre then demanded that the court order the District Attorney to commit Margolis on his own admission to the City Prison for perjury. He asked that he be indicted at once. Justice Goff replied that the District Attorney knew the

obligations resting upon him.

"I'll take care of him, with Ferrick," said Mr. Whitman. Margolis, who was a picture of terror

"GYP" THE BLOOD ILL

Seemed to Have Taken Poison

and Wanted to Go to Hospital.

the man for an hour, during which

Shea, of Bellevue Hospital, was called

to the Tombs prison for Hyman Lis-

kowsky, who had been acting queerly,

Q-You were discharged from the Pennsylvania Railroad for stealing money, were you not? A.—No.
Q.—You were charged with stealing money? A.—It is not true! I never did!
Q.—Did you make any bets in a gam-

es.
You committed perjury? A-I was Liskowsky was taken to the hospital

The executors of the will are Edmund

KILLED AS A "SQUEALER"

mate Explained in Court.

Q.—But you told Becker you couldn't get into Rosenthal's? A.—Yes.
Q.—You told Mr. McIntyre that you were made to commit perjury? A.—Yes, Ferrick came to me and said, "The boss (Becker) wants it done. Go up and do it." Q.—Ferrick was one of Becker's men? A.—Yes.

killing of Alonzo Haynes, a young negro inmate, last August. The boy was hit on the head with a brick in the House of Refuge grounds. Three other inmates were witnesses yesterday. Frankel, one of these witnesses, said that the two defendants, with four other bors were working as tinemiths on the reof one of the buildings. He saw the

thal secrete the brick in his overalls, and while Mr. McIntyre demanded his arrest, leered as he left the stand. Richard Barter, the notary public who took Rose's affidavit while the latter was stein push Rosenthal toward the edge of the roof. Then he saw Haynes fall.

took Rose's auddayit while the latter was hiding in Pollok's house, was called just before the midday recess was taken. He told of the trip to Pollok's house with Mr. Hart in a taxicab. Becker accompanied them part of the way. He said on cross-examination by Mr. Hart that he (Hart) had suggested to Rose that he surrender himself to the District Attornay the nast render himself to the District Attor-the next morning. comes Haynes."

ney the next morning.
The affidavit was then admitted in evidence, and one line of it, wherein Rese said he had never been collector for Beck-et, was emphasized by Mr. Hart in read-ing the document to the jury.

\$6,300 AT ROSENTHAL SALE Carved Oak Dining Room Set Briss

For a while last night a doctor as "Gyp" the Blood, one of the four gunmen charged with shooting Herman Rosenthal, had possibly taken poison in his cell in the Tombs. He was found moned from Bellevue Hospital. The ambulance surgeon found that Horowitz was suffering from inflammation piano. of the stomach. Dr. Krida worked on

Havana, Oct. 17.-Francisco Mayor El

Public Bequests Take Bulk of \$1,000,000 Penfold Estate.

ENDOWS MANY CHARITIES

\$60,000 GOES TO FRIENDS

\$20,000 to Saranac Lake Sana. torium-\$300,000 Trust Fund for Brother. Numerous charitable institutions will

divide the bulk of the estate of William Hall Penfold, of No. 10 East 40th street, who died on September 18, and whose wi was filed yesterday in the Surrogate'r Office. The estate is estimated at about \$1,000,000. Some of the liberal public bequests ar for immediate payment, or as soon as the

executors can arrange, and are of specific amounts, while several of the institution will divide the principal of a \$300,000 trus fund after the death of the brother of Mr Penfold, who is to receive the interest for life. Some of these beneficiaries and sev eral other public institutions also receive parts of the residuary estate. Besider these public bequests Mr. Penfold left leg years prior to his death will receive Ed The specific public bequests are: 8

On cross-examination Mr. McIntyre Mary's Free Hospital for Children, \$10,000 a Josephine Penfold bed; the Charity Or ganization Society, \$10,000; the Association for Improving the Condition of Poor, \$10,000; the Children's Aid 80 ciety, \$10,000, and the Adirondack Cottage Sanatorium, at Saranac Lake, \$20,000, and an additional \$5,000 for the maintenance of The \$300,000 life trust fund goes to the

executor for Edmund Penfold, the testator's brother and only next of kin. The latter is a director of the American Gas Company. At his death the \$200,000 is to be distributed as follows: The Presby terian Hospital, the Adirondack Cottage Sanatorium, St. Luke's Hospital, the Charity Organization Society, the Manhattan Eye and Ear Hospital, the Society for the Relief of the Destitute Blind, the Home for Incurables, the Home for Ok Men and Aged Couples, the Five Points House of Industry, the Young Men's Christian Association, the Children's Al Society, the Association for Improving the Condition of the Poor, the Charity Aid Association, Mrs. Mary L Peters, widow of Charles G. Peters, Mrs Katharine E. Wainwright and Mrs. Frances T. Parsons, wife of Harry de Berke ley Parsons. The three individuals are to receive ten-sixtleths each, the remaining thirty-sixtleths being divided among the Mr. Penfold disposed of his residuary estate in one-eighth shares, as follows:

Peters, Mrs. Wainwright and Mrs. Par-To two servants the testator gave \$5.-000 each, to one other \$3,000 and to two others \$1,000 each.

The Charity Organization Society, the

Children's Aid Society, the Presbyterian

Hospital, St. Mary's Free Hospital for

ing the Condition of the Poor, Mrs.

the Association for Improv-

Children,

To Harry de Berkeley Parsons and his wife, Mrs. Frances T. Parsons, the testator left \$10,000 in trust for his godson Francis M. Parsons, and to Arthur D. Weekes and his wife, Mrs. Minelle L Weekes, he left a similar amount for his godson, Charles Alexander Weekes Besides the bequests mentioned, Mr. Penfold left about \$60,000 to friends, many of them living at Saranac Lake.

Penfold, Harry de Berkeley Parsons and the Farmers' Loan and Trust Company.

AS IF DEED OF BRAVERY Murder of Randall's Island In-

The "kill the squealer" spirit, which, B Max Margolis, one of Becker's press, and the agents, was then put on the stand. He confessed to perfury as another man would admit a deed of bravery—with shrinking modesty. It was Mr. Mointyre who brought out this side of Martin Margolis denied, But he did get him to admit that Becker told him he wanted to raid Rosenthal's on evidence. Mr. Moss, on redirect, asked:

The "kill the squealer" spirit, which, Be said, was behind the murder of Herman Rosenthal, permeates the penal institutions of the city, asserted J. Wasservogel, an Assistant District Attorney, before Justice Blanchard, yesterday.

Isaac Goldstein and Alexander Roses thal, inmates of the House of Refuge, on Randall's Island, were on trial for the

brick hit Haynes. Philip Jacobs testified he saw Roses when Haynes came along he saw Golf-

Mr. Cullam, assistant superintendent s the Randall's Island institution, said that the boys blamed each other after the killing. He quoted Rosenthal as saying that Goldstein got the brick and told him it walt for Haynes. Goldstein said: "Her

Rosenthal, holding the brick, said: "Re there he goes, the black squenier." him with the brick," rejoined Goldstein according to the version given by Culls.

\$475, Highest Price. A carved Cathedral oak dining set

thought that Harry Horowitz, known six chairs covered in red Spanish leads brought \$475-the highest price paid re-terday-at the second day's sale of the effects of the late Herman Rosenths held at the Broadway Art Galleries. The total of the sale was \$1,300-00 groaning and Dr. Krida was sum- than double that of the first day. Of the amount \$250 was paid for a Circust walnut bedroom suite and \$350 for a grad

> chiefly from the collection of bric-d-bric Penton, of Cleveland, and Judge Co

Bank of Cuba, was arrested to-day

mmitted perjury? A .- I was and placed in the observation ward. Second Arrest Made in Case of Mising \$200,000 Consigned to N. T.

ten pieces, including a crystal closet and A number of friends of Mrs. Rosents were present at the sale. They bould

bell, of Paterson, N. J., who bought of tensively on the first day, continued bidders yesterday. To-day will be by last session of the sale. HELD FOR CUBAN BANK THEF

Q.—You committed perjury? A.—I was and placed in the observation ward. made to do it. Q.—Did you? A.—I was made to do it! Q.—You committed perjury. didn't you? the office of the hospital the names of Frank Cirofici, Harry Horowitz, Frank had charge of the vaults of the National Market and Louis Bosses, Frank had charge of the vaults of the National Market and Louis Bosses, and Louis Bosses

A.—Yes.
Q.—Did you appear against the three men who were arrested on that affidavit when they were arraigned in the magistrate's court? A.—Yes.
Q.—You swore against them? A.—Yes.
Q.—You lied? A.—Yes.
Q.—You lied? A.—Yes.
This is the third day of registration. order of Judge Pinero, in cons with the investigation into the disapper This is the third day of registration. Booths open from 7 a. m. to 10 p. m. To-morrow is the last day, but don't This package was supposed to have lessent September 27 by registered mail the National Fark Bank of New Ion 2.—Didn't the defendant pay you money to appear, so that you could leave this morning. Begister to-day, but don't take a chance. Register to-day, Do it this morning. Delay is fatal. Don't f. McIntyre tried to have the witness with the was only a stool pigeon for Beck-Mayos was charged with being impo-cated with the bank messenger, Antage Ayala, also under arrest,